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PATENT
Attorney Docket No. ATV-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Yamane *et al.*
SERIAL NO.: 09/376,017 GROUP NO.: 2153
FILING DATE: August 19, 1999 EXAMINER: Salad
TITLE: WEB SERVER CONTENT REPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAY 20 2003

Technology Center 2100

Sir:

RESPONSE

In response to the Office Action mailed from the United States Patent Office on December 18, 2002, please consider the following remarks. Applicants respectfully petition for a two-month extension of time, thereby extending the period for responding up to and including May 18, 2003. A check for the extension fee is enclosed. If any additional petition is required, or if any additional fees are due, please charge Deposit Account No. 20-0531.

REMARKS

Claim Status

Claims 1-10, 12-18, 20, and 21 remain pending. Claims 1, 12, 15, 16, and 20 are independent claims, and claims 2-10, 13, 14, 17, 18, and 21 are dependent claims.

Claim Rejections

Claims 1-10, 12-18, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,182,117 to *Christie et al.* ("Christie"), in view of United States Patent No. 6,385,626 to *Tamer et al.* ("Tamer").

Christie

In Christie, a store-and-forward messaging network such as an e-mail system is used to replicate data between computer sites. Each site includes a replication agent. The functionality of the replication agent is described, at least in part, at column 3, lines 37-46:

The replication agent for each site determines the state of the site. The replication agent corresponds with other sites by sending e-mail messages to the other sites. The replication agent sends a message to other sites that indicates the state of its site. The replication agent uses the information received from another site to determine the objects that should be replicated between the sites. For example, the replication agent uses another site's information to determine which objects need to be sent to that site and which objects should be replicated to its own site.

In Christie, the agent of each site communicates with the agents of the other sites. A site-by-site determination is made of the files that need to be updated on each respective site. As such, Christie is a distributed system without a primary computer system.

Tamer

Tamer is directed to determining changes to a logical object in a storage device, e.g., a computer disk drive. An alternative use for the invention is described at column 20, lines 14-26:

Another use for the technology of Applicants' invention is for replicating changes from a primary computer system to one or more remote computer systems. For example, many organizations have a central computer system with a database mounted thereon, and a number of other remote computer systems with copies of that database. When changes are made to the database on the central computer system, those changes generally need to be propagated to the copies of the database on the remote computer systems. By identifying any changed information and propagating only the changed information (rather than the whole database) to the remote computer systems, the databases on the remote computer systems can be quickly and conveniently updated.

In Tamer, changes to a central database mounted on a primary computer system are identified and propagated to remote computer systems, such that the databases on the remote computer systems are updated.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-10, 12-18, 20, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Christie in view of Tamer. Applicants respectfully traverse this rejection.

Independent claims 1, 12, 15, and 20 recite, "identifying changes in the master source file set on a master computer ..." Independent claim 16 recites, in part, "a content distributor ... providing notification of changes to a master source set on a master computer ..." In the Office Action, the Examiner acknowledges that Christie is silent as to having a master source file set and a master computer: "Nonetheless, the source file set to contain in master source file set on a

master computer or a central computer would have been an obvious modification to Christie's system ... [sic]." See page 3.

In order to maintain an obviousness rejection there must be some suggestion or motivation to combine the references. The M.P.E.P states that: "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." See M.P.E.P § 2143.01.

There is no suggestion or motivation to combine Christie with Tamer. Christie is a distributed system that does not have a master source file set or a master computer. Incorporating the Tamer master database at a central computer system would require a reconstruction and redesign of the Christie system, and change the principle of operation of the Christie system. Christie is designed to operate as a peer-to-peer system, *i.e.* each site communicates directly with each other site. Requiring communication with a central location would destroy the peer-to-peer operating principal of Christie. As such, it would not have been obvious to combine Christie with Tamer.

Conclusion

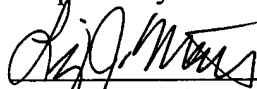
In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all rejections, and allowance of all claims (*i.e.*, 1-10, 12-18, 20, and 21), in due course. If the Examiner believes that a telephone conference with Applicants' attorney would be helpful, the Examiner is invited to contact the Applicants' attorney at the number below.

Date: May 16, 2003
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Respectfully submitted,



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